

Appln. No.: 09/547,409 (FINN-002)
Page 12 of 18

REMARKS

In the Office Action, the Examiner rejected claim 22, in particular, under 35 USC § 112 as indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Also in the Office Action, the Examiner rejected claims 22-42 under 35 USC § 103(a) as being unpatentable over Wallman U.S. Patnet 6,996,539 in view of Lupien et al U.S. Patent 5,101,353.

The Applicants wish to graciously thank the Examiner for the phone conversation on 12/30/08. The Applicants have amended Claim 22 to take both your 112 and 103 rejections into account as well as your comments during our phone conversation. The Applicants were pleased to have received a positive review of the general claim structure from the Examiner's supervisor, Mr Thomas Dixon, on February 6, 2009 after the Applicants failed to contact the Examiner for a structural review of the claim prior to amendment submission.

Claim 22 has been amended and we have called the invention a "system" to address the 112 issue, we additionally focused on the making "positive step" assertions as suggested by the Examiner. Both of these amendment themes carry on through the remaining claims amendments and provide the majority of the changes made. Furthermore, we've added additional information in Claim 22 (also suggested by the Examiner) to address the multiple limit request capabilities and the multiple securities per limit request capability of this system which neither Lupien nor Wallman suggest.

Notable in this amendment is the addition of four new dependent claims 43-46 and one new independent Claim 47. These have been added because they are core feature components to the "system" as stated in the Summary of the specification – "One advantage of the present invention over the related art is that it offers an investor the ability to develop a

Appln. No.: 09/547,409 (FINN-002)
Page 13 of 18

customized and diversified portfolio, as is enjoyed by investors of individual securities, together with the ability to develop such a portfolio using a low-cost systematic investment program, as is enjoyed by mutual fund investors.” Claim 43 introduces the Systematic Investment Program to Claim 22, and Claim 44 claims the computerized data processing system manages the systematic investment program compatibly with the limit request operations. Claims 45 and 46 further claim operational characteristics as to how limit requests associated with the Systematic Investment Program are handled. New independent Claim 47 is identical to Claim 22 in all ways except claiming “accepting individual orders containing at least one limit request” but further limiting the system, “supporting and executing a systematic investment program for at least one investor account and compatibly managing the systematic investment program with the limit request operations”. The support for such claims are riddled throughout the specification and strongly considered in relation to the limit request operations in the Limit Request section of the Specification.

We will now look at the amendments in more detail in light of the specific 103(a) arguments made by the Examiner.

In Claim 22 the Examiner specifically agrees with the Applicants that “Wallman fails to explicitly teach that each of the orders can include a plurality of limit requests.” However, the Examiner claims that because Lupien discloses a screen displaying all pending orders and showing various bits of information about each order, he arrives at the conclusion that this is enough to have made it obvious to one skilled in the art to modify the teachings of Wallman and implement the 103(a) rejection. The Applicants do not agree with this assertion. In fact, Lupien specifically states, “the current limit price *associated with this order*.” Please see Col. 7, Lines 58-59 (within the Examiner’s reference). This point indicates each limit price is

Appln. No.: 09/547,409 (FINN-002)
Page 14 of 18

associated with an order on a one-for-one basis! This assertion is backed up further in Lupien in Fig. 2 which depicts one limit order in association with each security (order). Lupien does not mention or even suggest that each order could include a plurality of limit requests, nor does Lupien mention or suggest that each limit request could be associated with a plurality of different securities. For these reasons the Applicants disagree with the Examiner's implementation of the 103(a) rejection.

To further address the rejections of Claim 22 the Applicants have called the invention a "system" to overcome the 112 rejection and made further changes for positive assertions as previously stated. To address the 103(a) rejection the Applicants have brought in additional information at the suggestion of the Examiner. For instance, in addition to the ability to buy or sell a plurality of different securities with each order made by an investor, we've also more clearly described:

1) The supporting operations to either buy, sell, or to both buy and sell multiple securities with each and every order placed. This support is found in the Specification as, "It should be appreciated that a single order can include requests to buy and/or sell interests in the stocks of one or more of the companies A-E. For example, *a single order* can include a request to buy an interest in company A, a request to buy another interest in company B, and a request to sell an interest in company C."

2) The capability of the Investment System to support multiple limit requests per order by claiming:

b) **accepting** individual orders containing a plurality of limit requests, **monitoring each conditional event** specified by the investor for each said limit request, and **independently triggering the purchase or sale of securities**, as instructed by the investor with each said limit request, after the

Appln. No.: 09/547,409 (FINN-002)
Page 15 of 18

conditional event specified by the investor for each said limit request has been met;

Support for this feature of the system can be found in the first sentence of the second paragraph in the Limit Request section of the specification, "Separate limit requests could be placed on any or all of the securities included in an order for any defined length of time and they can be executed independently of each other and still be considered part of the one order." Also, it is common knowledge in the field that a limit request (or limit order) in a modern securities trading system must monitor each limit order for compliance with the event that the limit order was created to match in order to trigger a security buy or sell. The present Investment System has the ability to monitor a wide variety of conditions as for example as stated in the first paragraph of the Limit Request section of the Specification, "According to the present invention, the limit request can also be based upon a market index, such as the S&P 500 or the Dow Jones Industrial Average." These issues are further identified in claims 24 and 25.

3) The capability of the Investment System to support limit requests applicable to a plurality of different securities in each order by claiming:

(c) **accepting** individual orders containing at least one limit request applied to a plurality of different individual securities, **monitoring** the conditional event specified by the investor for each said limit request and **triggering the purchase or sale of the plurality of securities**, as instructed by the investor in the limit request, after the conditional event specified by the investor in the limit request has been met.

Support for this feature of the system can be found in the second sentence of the Limit

Appln. No.: 09/547,409 (FINN-002)
Page 16 of 18

Request section of the specification, "As used herein, a limit request is a request to buy or sell interests in a security or a plurality of securities only upon the happening of a specific event or condition."

The Examiner also cites Wallman against the previous claim 23 (which is now a component of Claim 22), concerning the present invention's limit request operations addressing more than one different individual security. The Examiner identifies four different citations – none of which are limit request related. Each of these citations considers more than one security in a portfolio – not related to a limit request.

The Applicant's believe that the arguments against the justification for the 103(a) rejection combined with the incorporation of new heavily supported amendments to the claim successfully overcome the 103(a) rejection. Having considered the remaining Examiner's claims rejections, the Applicants will now summarize the remaining claim amendments.

In claim 23 we address the fact that limit requests involving more than one different individual security don't have to be associated with the investment portfolio as a whole.

In claim 26 we address the capability of the system providing investors the ability to organize their portfolio securities into collective groups of securities, so that they can more intuitively manage their account. In this case we call the portfolio securities the "holdings" because they are held in the account. In the claim we state, "holdings in the corresponding accounts into one or more groups". Previously the "groups" have been confused with groups of people collectively joining for investment idea sharing purposes – this is clearly not the case in our claim and should not be an issue.

Appln. No.: 09/547,409 (FINN-002)
Page 17 of 18

Claim 27 addresses the system functionality for allowing the investors to assign bespoke investment asset allocation factors to each of the elements (groups and securities) in an investor's portfolio where the "holdings" have been placed in groups covered in claim 26.

Claims 28-31 have been canceled from the Investment System.

Claim 32 introduces dynamically re-configurable building blocks for arranging and intuitively managing a visually depicted portfolio in the graphical user interface.

Claim 33 extends the portfolio structure grouping capacity of the investment system to include subgroups, or groups that lie on the hierarchical level below a group category.

Claim 34 claims the system's operations supporting the assignment of investment portfolio asset allocation factors to the groups, subgroups and securities in Claim 33.

Claim 35 claims the system's operations supporting further hierarchical level extension of an investment portfolio's structure.

Claim 36 claims the system's operations supporting flexibility in the investment portfolio's structure.

Claim 37 is canceled.

Claim 38 extends the graphical user interface application of dynamically re-configurable

Appln. No.: 09/547,409 (FINN-002)
Page 18 of 18

building blocks to groups, subgroups and securities.

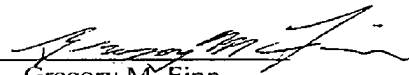
Claims 39-41 address the investment system's operations to address portfolio review of investor applied asset allocation characteristics and notification of the investor given a discrepancy from the investor's desires.

Claim 42 has been canceled.

In view of the foregoing, Applicants believe that the present application is now in condition for allowance and respectfully request an early and favorable action.

Respectfully submitted,

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